

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

GIOVANNI RIMANDO ASCENSIO,

Defendant.

Case No. [12-cr-00119-SI-1](#)

**ORDER RE: GIOVANNI ASCENSIO'S
MOTION TO VACATE OR CORRECT
SENTENCE PURSUANT TO 28 U.S.C.
SECTION 2255**

Re: Dkt. No. 1739

On June 2, 2020, defendant Giovanni Rimando Ascensio filed a motion for relief pursuant to 28 U.S.C. § 2255. Mr. Ascensio's motion requests that the Court vacate his conviction for one count of possession of a firearm in furtherance of a crime of violence in violation of 18 U.S.C. § 924(c) and that the Court reduce his term of supervised release from five years to one year.

The government does not oppose dismissal of the section 924(c) conviction. With regard to the request for a reduction of supervised release, the government states that defendant should file a motion for early termination of supervised release at a later date, and that in the event defendant files such a motion, an updated PSR should be prepared and the government will submit a new sentencing memorandum.

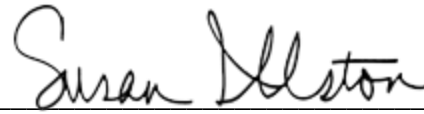
The Court informs the parties of the following: If defendant wishes to pursue his request for a reduction of his term of supervised release at this time, the Court will construe his section 2255 motion as a motion for early termination of supervised release and direct the preparation of an updated PSR, as well as the filing of sentencing memoranda from counsel. Alternatively, if defendant wishes to file a motion for early termination of supervised release at a later time, the Court will dismiss the section 924(c) conviction and issue an amended judgment reflecting the dismissal.

In light of the above, the Court directs counsel to meet and confer regarding what further

proceedings are necessary in order to resolve the pending motion, and to file a letter so notifying the Court no later than **July 15**.

IT IS SO ORDERED.

Dated: July 1, 2020



SUSAN ILLSTON
United States District Judge